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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,588	01/29/2004	Thomas J. Daley	04-6173	6169
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EXAMINER				
HAVAN, THU THAO				
ART UNIT		PAPER NUMBER		
3695				
MAIL DATE		DELIVERY MODE		
10/23/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/767,588

Applicant(s)

DALEY ET AL.

Examiner

THU-THAO HAVAN

Art Unit

3695

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19, 20, 25-28, 31 and 53-66 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19, 20, 25-28, 31 and 53-66 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/808)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Detailed Action

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims **19-20, 25-28, 31, 53-57, and 59-66** are rejected under 35 U.S.C. 102(e) as being anticipated by Korhammer et al. (US (US 2004/0236662).

Re claim **19**, Korhammer teaches a method comprising:

receiving an order for a quantity of a trading product (abstract: Korhammer discloses unit quantity);

identifying a plurality of market centers that are able to match the order (para. 0001; Korhammer discloses electronic orders are matched);

receiving, for each market center, a respective price for the order (para. 0004; Korhammer discloses offer price or order price);

comparing each of the received prices to determine a best price for the order (0047; Korhammer discloses comparing the information for all the ECN best bid);

determining a respective best price policy for each market center, in which the respective best price policy indicates an action that is taken by the market center in response

to the best price (para. 0036-0037, 0065, and 0068-0069; Korhammer discloses agreement as corresponding to policy as claimed);

adjusting the received price of each market center in accordance with the respective best price policy of the market center (0116 and 0111; Korhammer discloses change market maker bid corresponding to adjusting price of each market center);

routing the order to the selected market center (para. 0015; Korhammer discloses routing orders).

Re claim **20**, Korhammer teaches order comprising one of a request to buy the quantity of the trading product and a request to sell the quantity of the trading product (fig. 13). Korhammer discloses a sample of a request to by the trading product.

Re claim **25**, Korhammer teaches determining that the best price policy for at least one of the market centers include a policy to match the best price and setting the price of the at least one market center to the best price (para. 0001).

Re claim **26**, Korhammer teaches determining that the best price policy for at least one of the market centers includes a policy to split the best price; calculating an average of; a best bid price defined by the best price and a best offer price defined by the best price and setting the price of the at least one market center to the calculated average (para. 0091). Korhammer discloses split between a messaging system in relation to trading orders.

Re claim **27**, Korhammer teaches determining that at least one market center charges a transaction costs and adjusting the price of the at least one market center in accordance with the transaction cost ().

Re claim **31**, Korhammer teaches determining that the selected market center offers at least one of: a highest price for buying the quantity of the trading product and a lowest price for selling the quantity of the trading product (para. 0116 and 0111).

Re claims **53-57** and **59-66**, Korhammer teaches a processor and a memory, in which the memory stores instructions which, when executed by the processor, direct the processor to perform the method (figs. 1 5-6, and 9-11). Korhammer discloses a computer system with update capability which has to have instructions to be executable.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims **28** and **58** are rejected under 35 U.S.C. 103(a) as being unpatentable over Korhammer et al. (US (US 2004/0236662) and in view Pourhamid (US 2004/0210505).

Re claim **28**, Pourhamid teaches determining that at least one market center credits a transaction rebate and adjusting the price of the at least one market center in accordance with the transaction rebate (para. 0002 and 0043; figs. 1 and 3). However, Korhammer does not explicitly teach rebate information. On the other hand, Pourhamid discloses rebate information (para. 0002 and 0043; figs. 1 and 3). He discloses credit coupons for stocks on

the issuing company. These credit coupons will convert into valuable stocks. These credit coupons are valuable rebate information to later on be converted into stocks. Thus, it would have been obvious to one of ordinary skill in the art to include rebate information as a credit coupons as discloses in Pourhamid.

Re claims 58, Korhammer teaches a processor and a memory, in which the memory stores instructions which, when executed by the processor, direct the processor to perform the method (figs. 1 5-6, and 9-11). Korhammer discloses a computer system with update capability which has to have instructions to be executable.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Thao Havan whose telephone number is (571) 272-8111. The examiner can normally be reached from Monday to Friday at 6am-2pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Kyle can be reached on (571) 272-6746. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct-uspto.gov/>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

/Thu Thao Havan/
Primary Examiner
Art Unit 3695